



RECEIVED

MAY 09 2001

TECH CENTER 1600/2900 Docket No. J&J 1763

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Anthony J. Fist, et al.

Serial No. : 09/600,500

Art Unit:

Filed : July 14, 2000

Examiner:

For : IMPROVED PRODUCTION OF RETICULINE

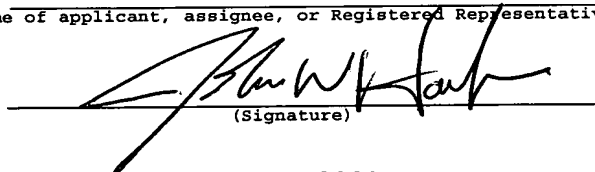
I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner For Patents, Washington, D.C. 20231 on

May 2, 2001

(Date of Deposit)

John W. Harbour

(Name of applicant, assignee, or Registered Representative)



(Signature)

May 2, 2001

(Date of Signature)

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

1638
#8
IDS
5/10/01

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e)
(attached); or

☐ Please charge Deposit Account No. 10-0750/ /
the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e)
(attached); or
- ☐ Please charge Deposit Account No. 10-0750/ /
the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are not enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ These references listed on the attached Forms PTO-1449 (J&J 1618) were previously cited by or submitted to the Patent and Trademark Office in

prior application Serial No.: 08/678,208 filed
July 11, 1996, and which has now issued as US
Patent No. 6,067,749.

☐ There are no listed references which are not in the
English language.

☐ The relevance of those listed references which are not
in the English language is as follows:

☐ Attached are copies of search report(s) from
corresponding patent application(s), which are listed on the
attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending
patent applications which may be deemed relevant, which are
listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to
Deposit Account No. 10-0750/J&J 1763/JWH. This form is
submitted in triplicate.

Respectfully submitted,



John W. Harbour
Reg. No. 31365
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2169
DATED: May 2, 2001

FOREIGN PATENT DOCUMENTS



RECEIVED

MAY 09 2001

TECH CENTER 1600/2900

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

Application Number	09/600,500
Filing Date	July 14, 2000
First Named Inventor	Anthony J. Fist, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	J&J 1763

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		FAIRBURN, J.W. AND HELLIWELL, K., <i>Papaver bracteatum</i> Lindley: thebaine content in relation to plant development, I. Pharm. Pharmac., 1977, 29, pgs. 65-69.	
		SEDDICH, MAJID, JOLLIFF, GARY D., CALHOUN, WHEELER, AND CRANE, JIMMIE M., <i>Papaver bracteatum</i> , Potential Commercial Source of Codeine, Economic Botany, 36, 1982, ppgs. 433-441.	
		DUKE, JAMES A., Utilization of Papaver, Economic Botany, 27, 390-400, October-December 1974.	
		FAIRBURN, J.W., DSc, PhD, Sc, FPS, Dpharm., Phytovailability and some of its problems, The Pharmaceutical Journal, January 10, 1976, ppgs. 29-31.	
		POPOV, P., DIMITROV, J., GEORGIEV, S. AND DENEVA, T., Radiosensitivity of Opium Poppy (<i>Papaver Somniferum</i> L.) and Morphine Content in the Dry Capsules of M, As Influenced by CS ¹³⁷ Gamma Irradiation, Genetics and Plant Breeding, Vol. 7, No. 4, ppgs. 251-257, 1974.	
		KARP, M. L., On the Occasional Absence of Opium in the Opium Poppy, Genetics, ppgs. 537-541.	
		SUDHAIR, SHUKLA and KHASMA K.R., A Study of Gene Action for Opium Yield and Morphine Content in <i>Papaver Somniferum</i> L., Indian J. Agric. Res. 29 (3), 116-120, 1995.	
		PAREEK, S.K., SRIVASTAVA, V.K., MAHESHWARJ, M.L. AND GUPTA, R., Indian Journal of Agricultural Sciences 65 (7) ppgs. 498-502, July 1995.	
		SHEWRY, P.R., WILLIAMSON, M.S. and Kreis, M., Effects of Mutant Genes on the Synthesis of Storage Components in Developing Barley Endosperms; ppgs. 94-119.	
		CAPORALE, LYNN HELENA, Chemical ecology: A View From the pharmaceutical industry, Proc. Natl. Acad. Sci. USA, Vol. 92, ppgs. 75-82, January 1995.	
		VILLALOBOS, MARIA JESUS PASCUAL; ROBBELEN, GERHARD AND CORREAL ENRIQUE, Production and evaluation of indehiscent mutant genotypes in <i>Euphorbia lagascae</i> , Industrial Crops and Products 3 (1994) ppgs. 129-143.	
		LEA, P.J., BLACKWELL, R.D. AND AZEVEDO, R.A., Analysis of Barley metabolism using Mutant Genes, ppgs. 181-209.	
		LAVANUA, U.C. AND SNVASTIAVA, SANGEETA, Autotetraploid and triploid meiosis in <i>Papaver somniferum</i> show reduction in bound arm associations and enhanced bivalent pairing over generations, Current Research on Medicinal and Aromatic Plants, 17, (1995) ppgs. 10-13.	
		THIERFELDER, A., LUHS, W., AND FRIEDT, W., Breeding of industrial oil crops with the aid of biotechnology: a review; Industrial Crops and Products, 1 (1993) ppgs. 261-271.	
		NYMAN, U., Selection for high thebaine/low morphine content in <i>Papaver somniferum</i> L., Hereditas 93; ppgs. 121-124.	
		SINGH, S.P., SHUKLA, SUDHIR, KHANNA, K.R., Diallel analysis for combining ability in opium poppy <i>Papaver somniferum</i> , Indian Journal of Agricultural Research, 65 (4) ppgs. 271-275.	
		NYMAN, U., Poppy Seed - a crop that is coming back? Swedish Seed Association, issue 84; (1974).	
		BEN-SALAH, H., ROATH, W.W., Somaclonal variation in <i>Cuphea viscosissima</i> Jacq. For plant improvement, Industrial Crops and Products, 2, (1994) ppgs. 239-244.	
		GREEN, A.G., Genetic control of polyunsaturated fatty acid biosynthesis in flax (<i>Linum usitatissimum</i>) seed oil, Theor Appl Genet 72, (1986) ppgs. 654-661.	
		C.H., Opium- free poppy under study as a codeine source, Science 190 (1975) pg. 1274.	
		SZYMANOWSKA, E., LIERSCH, J., KRZYMANSKI, J. (Low Morphine poppy Przemko) <i>Mak niskomorficzny Przemko</i> . In Oilseed crops. XVth Polish research conference, April 19-20, 1994, Rosliny Oleiste, 15. (1) ppgs. 171-172.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**


Docket No.

J&J1618

Serial No.

08/678,208

Applicant

Anthony John Fist, et al

Filing Date

July 11, 1996

Group Art Unit

RECEIVED**U.S. PATENT DOCUMENTS**

MAY 09 2001

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date

FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one) Yes No	
	AU-646074-B	3/12/92	Australia			<input type="checkbox"/>	x
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

	Aceta Pharmaceutica Nordica, vol. 4(I), 1992, Wold, J.K. et al, pp 31-34, "Increase in thebaine content of Papaver bracteatum Lindl. after colchicine treatment of seeds".
	Planta Medica, vol. 46(4), 1983, Nielsen B. et al, pp 205-206, "Oripavine-A New Alkaloid"
	Hereditas, vol. 93(1), 1980, Nyman U, pp 121-124, "Selection for high thebaine/low morphine content in Papaver somniferum L"
	Hereditas, vol. 89(1), 1978, Nyman U, pp 43-50, "Selection for high thebaine/low morphine content (cpv. Morph: The) in Papaver somniferum L"

Examiner:


Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

RECEIVED

MAY 09 2001

Sheet 1 of 1

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION 	Docket No.	Serial No.
	J&J TECH CENTER 1600/2800	08/678,208
	Applicant	
	Fist et al.	
Filing Date	Group Art Unit	
July 11, 1996	1651	

U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date

FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one) Yes No	
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

	Hereditas 84:69-76 (1976) Some varieties of Papaver somniferum L. with changed morphinane alkaloid content. Ulf Nynan and Ove Hall
	Hereditas 89: 43-50 (1978) Selection for high thebaine/low morphine content (cpv. Morph:The) in Papaver somniferum L. ULF NYMAN
	Hereditas 93: 121-124 (1980) Selection for high thebaine/low morphine content in Papaver somniferum L. ULF NYMAN
	Foradling av vallmo (Papaver somniferum) (poppy breeding summary page 248) Roland Jonsson

Examiner:	Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	